IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.7481 of 2008
VIJAY CHOUDHARY & ANR
Versus
THE STATE OF BIHAR
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2. 5.5.2008 Heard learned counsel for the parties.

The petitioners pray for anticipatory bail in a case under Section 47(a) of the Bihar Excise Act.

The allegation in the F.I.R. is that a raid was conducted by the police party in a hut belonging to the petitioners. Recovery was made of 6700 litres of country made liquor, 400 litres of spirit kept in a drum and polythene pouches for packing the liquor, gas cylinder, plastic wrapper and other implements for illegal business of manufacturing country made liquor.

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Learned counsel for the petitioners submits that the petitioners were admittedly not living in the hut in question and the stand is that they had let out the said hut to Umesh Das and Bhola Paswan and the illegal business of manufacture of illicit country liquor was being carried out by them.

In the said circumstances, it is submitted by the learned counsel for the petitioners that nothing has been recovered from the conscious possession of these two petitioners who are father and son. It is further submitted that the petitioners have no criminal antecedent.

On a consideration of the facts and circumstances of the case, and particularly considering the fact that admittedly the hut in question belonged to these petitioners where the activity of

manufacturing illicit country made liquor was being carried on, this Court does not find it a fit case for grant of anticipatory bail to the petitioners. Their prayer for the same is accordingly rejected.

P. Kumar **(Ramesh Kumar Datta, J.)**

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